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Examiner's assertions and requests the Examiner cite specific references to support the contention for purposes of Appeal.

Specifically, the Examiner took Official Notice "that it is well known by a individual/company to execute a prescreening (e.g. ascertain ones name, address, income, etc.) in order to qualify for a credit application being forwarded." However, Applicant disagrees and believes it is well known that credit applications are regularly disseminated without prescreening or even solicitation. For example, it is common practice that an individual wishing to establish a line of credit with a store will be given a credit application prior to the store requesting any information from the individual. Furthermore, individuals and companies regularly receive unsolicited credit applications. In either case, contrary to the Examiner's assertion, Applicant believes that it is not well known that prescreening is regularly executed in order to receive a credit application. Therefore, Applicant believes this assertion is traversed and requests the Examiner cite references to support the position.

Furthermore, Applicant wishes to correct some of the Examiner's misconceptions for purposes of establishing the subject for appeal. The Examiner "noted that Applicant has claimed potential use." To support this contention the Examiner specifically cited claim 1 ("for a potential customer to access an automated seller facility") and claim 18 ("for screening a potential customer"). However, as is grammatically correct, in both cases 'potential' is used as an adjective to modify the subsequent noun, customer. Therefore, the adjective 'potential' describes customer, not use or access. Applicant believes this is an accurate term to describe an individual who has not yet been accepted to engage in a commercial transaction. As such, since it is clear that Applicant has not claimed potential use but a potential customer, Applicant believes the language of claims 1 and 18 to be clear.

Also, the Examiner asked "[w]here in the claim language is it positively recited that initial screening does not preclude access of the seller facility prior to the initial screening?" Ignoring the fact that the question requests a positive recitation of a negative, Applicant has never claimed that the initial screening does not preclude access to the seller facility prior to the initial screening. Quite the opposite, Applicant believes one of the invention's patentable distinctions is that the initial screening does preclude "further access to the automated seller facility."

However, claim 1 can be read on an elementary level to understand that the initial screening does not entirely preclude access to the seller facility because the potential customer is presented with a user interface hosted in conjunction with the automated seller facility. However, the remarks of the previous Response assumed an

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understanding of the claimed invention, i.e. the access granted through the user interface for personal data entry required in the initial screening is minimal when compared to the "further access to the automated seller facility" granted after passing the initial screening. One of ordinary skill in the art will readily recognize that a user interface for personal data entry requires a level of access miniscule when compared to full access to an automated seller facility consistent with the ability to purchase. Therefore, while it is recited in the claim that the initial screening precludes "further access" to the automated seller facility, it can be reasonably understood by one of ordinary skill in the art that the level of initial access granted by the user interface is so minimal when compared to the "further access" granted after the initial screening as to render the potential customer effectively precluded from the automated seller facility until passing the initial screening.

The Examiner next stated that "requiring a user name and password is within the broad context of a qualification check." However, one of ordinary skill in the art will readily recognize that a user name and password is not consistent with an initial screening because, as is common in the art, user names and passwords are used in conjunction with a facility to store and retrieve data such as shipping addresses. They are not used as a screening means to preclude the user from purchase. Such a use is inconsistent with the prior art. Therefore, the use of a user name and password is not "within the broad context of a qualification check."

The Examiner next stated that the "claim language does not require any specific sequential order." However, claim 1, for example, calls for "performing an initial screening," then "issuing an account number if the potential customer passes the initial screening" and allowing an offer to purchase from automated seller facility "while the automated seller facility performs a complete screening." One of ordinary skill in the art will readily recognize that claim 1, and other claims, are actually quite specific as to a sequential order in which the process must be implemented.

The Examiner next states that the phrase "is determined qualified" of claim 18 "is nebulous as to what one is qualified for." However, when reading the phrase in the context of the surrounding language it is clear that the potential user is qualified for further access. Specifically, claim 18, calls for "initially screen[ing] the potential customer to allow further access" and then "issue[ing] an account number if the potential customer is determined qualified, wherein the potential customer is allowed to further access the automated seller facility." One of ordinary

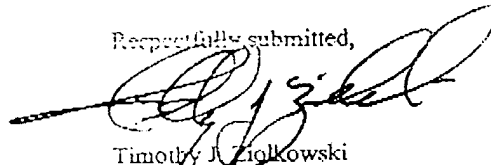
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skill in the art will recognize from the claim language that the potential customer is determined qualified for access to the automated seller facility.

Regarding the Examiner's rejection of the remaining claims, Applicant respectfully disagrees with the Examiner with respect to the art and refers the Examiner to the previous responses, incorporated herein by reference. Applicant does not believe additional remarks are necessary and therefore requests a Notice of Allowance for claims 1-23.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner wish to discuss this matter or consider any matters unresolved

Respectfully submitted,



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